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Hsi-Kang Tsao

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EXAMINER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,006	<b>Applicant(s)</b> TSAO, HSI-KANG	
	<b>Examiner</b> THOMAS E. SATKIEWICZ	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3, 7, 17-20, 23 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-4, 7-9, 15-19 of copending Application No. 10/793,034 in view of Hutcheson (U.S. 6,947,761). This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

3. Regarding Claim 1, Claim 1 in application 10/793,034 recites establishing an Internet transmission channel between a first internet game client and a second internet game client, wherein the Internet transmission channel is not connected to an Internet game server ("locating an established Internet transmission channel between the first Internet game client and the second Internet game client wherein the transmission channel is not connected to the Internet game server" where an established internet channel must have gone through an 'establishing' step); executing an internet game in the first Internet game client and the second internet game client and connecting the first and second Internet game clients to the internet game server ("connecting a first internet game client and a second internet game client to an Internet game server to execute the Internet game in the first and second internet game client"); retrieving first real-time video data and first real-time audio data in the first internet game client in the Internet game (retrieving first real-time video data and first real-time audio data from the first internet game client); compressing/encoding the first real-time video data into a plurality of first video data frames, and compressing/encoding the first real-time audio data into a plurality of first audio data packets in the first Internet game client ("compressing/encoding the first real-time video data into a plurality of first video data frames, and compressing/encoding the first real-time audio data into a plurality of first audio data packets in the first Internet game client" and "packaging the first video data frames and the first audio data packets into a transmission package in the first Internet game client", such that the compression/encoding must occur in the first Internet game client, since the packaging of the data generated in the first game client is done in the

first game client); packaging the first video data frames and the first audio data packets into a transmission package in the first Internet game client (“packaging the first video data frames and the first audio data packets into a transmission package in the first Internet game client”) transmitting the transmission package to the second Internet game client through the Internet transmission channel (“transmitting the transmission package to the second Internet game client through the Internet transmission channel”); decoding the transmission package into second real-time video data and second real-time audio data in the second Internet game client (“decoding the transmission package into second real-time video data and second real-time audio data in the second Internet game client”). audio and video data in the second Internet game client in the Internet game.

4. With regards to Claim 1, Application 10/793,034 does not recite attaching a time stamp to transmission package, wherein the time stamp expresses the synchronous relationship between the first real-time video and audio data. However, Hutcheson (U.S. 6,947,761) discloses attaching time stamps to a transmission package to express the synchronous relationship between real-time video and audio data (Column 9, Lines 44-63). This is done to ensure that the video data and audio data are correctly reproduced. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to time stamp the video and audio data the synchronous relationship to insure correct reproduction.

5. With regards to Claim 1, Application 10/793,034 does not recite synchronizing the second real-time video and audio data according to the time stamp, and outputting

the second real-time. However, Hutcheson (U.S. 6,947,761) discloses synchronizing the second real-time video and audio data according to the time stamp, and outputting the second real-time (Column 9, Lines 59-63). This is done so that the second Internet game client's information is synchronized with the first Internet game client's information to play the game. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to synchronize the second Internet game client's video and audio data with the first Internet game client's information to play the game.

6. With regards to Claim 1, Application #10/793,034 does not recite a method of implementing real-time video-audio interaction by data synchronization in an Internet game ("a method of real-time video-audio interaction in a computer executing an internet game")

7. Interaction in a computer executing an Internet game is the same as interaction by data synchronization in an Internet game. A computer is executing the data synchronization. Connecting a first Internet game client and a second Internet game client to an Internet game server to execute the Internet game in the first and second Internet game clients is a description of synchronization of data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to data synchronization in a computer executing an Internet game.

8. With regards to Claim 2, Application 10/793,034 in view of Hutcheson discloses the establishment of the Internet transmission channel further comprises the steps of: designating an Internet address of the second Internet game client directly or according a directory by the first Internet game client, wherein the directory includes the Internet

address of the second Internet game client; transmitting a connection request from the first Internet game client to the second Internet game client; and establishing the Internet transmission channel by the second Internet game client in response to the connection request. (Application 10/973,034 Claim 2 “establishment of the Internet transmission channel further comprises the steps of: designating an Internet address of the second Internet game client directly or according a directory by the first Internet game client, wherein the directory includes the Internet address of the second Internet game client; transmitting a connection request from the first Internet game client to the second Internet game client; and establishing the Internet transmission channel by the second Internet game client in response to the connection request.”)

9. With regards to Claim 3, Application 10/793,034 in view of Hutcheson discloses the bandwidth of the Internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data. (Application 10/793,034 Claim 3 “the bandwidth of the Internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes a higher transmission priority over first real-time video data.” Where “takes higher transmission priority” includes taking priority.)

10. With regards to Claim 7, Application 10/793,034 in view of Hutcheson discloses playback of the second real-time video data is accomplished by integrating the second real-time video data into the game environments of the Internet game as texture mapping. (Application 10/793,034 Claim 4 “playback of the second real-time video data

is accomplished by integrating the second real-time video data into the game environments of the Internet game as texture mapping").

11. With regards to Claim 17, Application 10/793,034 discloses a method of implementing real-time interaction by video-audio synchronization between Internet game clients (Application 10/793,034 Claim 15, "a method of real-time video-audio interaction in a computer executing an Internet game for application to an Internet game client"), wherein the Internet game client connects to an Internet game server, and executes an Internet game, comprising the steps of (Application 10/793,034 Claim 15, "wherein the Internet game client connects to an Internet game server, and executes an Internet game, comprising the steps of"); establishing an internet transmission channel to an external Internet game client, wherein the Internet transmission channel is not connected to the Internet game server ( Application 10/793,034 Claim 15, "locating an established internet transmission channel to an external Internet game client, wherein the Internet transmission channel is not connected to the Internet game server"); a real-time data retriever retrieving first real-time video data and first real-time audio data; (Application 10/793,034 Claim 15, "a real-time data retriever retrieving first real-time video data and first real-time audio data"); compressing/decoding the first real-time video data and the first real-time audio data into a first transmission package (Application 10/793,034 Claim 15, "compressing/decoding the first real-time video data and the first real-time audio data into a first transmission package") transmitting the first transmission package through the Internet transmission channel; receiving a second transmission package through the Internet transmission channel; (Application



10/793,034 Claim 15, "transmitting the first transmission package to the external Internet game client through the Internet transmission channel; receiving a second transmission package from the external Internet game client through the Internet transmission channel"), In Application 10/979,006 the first client is transmitting and receiving they must be transmitting and receiving from an external Internet game client) decompressing/decoding the second transmission package into second real-time video data and second real-time audio data; and outputting the second real-time audio data and video data in the game environment (Application 10/793,034 Claim 15, "decompressing/decoding the second transmission package into second real-time video data and second real-time audio data; and outputting the second real-time audio data and video data in the game environment").

12. With regards to Claim 17, Application 10/793,034 doesn't disclose a method attaching a time stamp to the transmission package, wherein the time stamp expresses the synchronous relationship between the video and audio data. However, Hutcheson (U.S. 6,947,761) discloses attaching time stamps to a transmission package to express the synchronous relationship between real-time video and audio data (Column 9, Lines 44-63). This is done to ensure that the video data and audio data are correctly reproduced. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to time stamp the video and audio data the synchronous relationship to insure correct reproduction; and synchronizing the second real-time video and the second real-time audio data according to the time stamp.

13. With regards to Claim 17, Application 10/793,034 doesn't disclose a method to synchronizing the second real-time video and the second real-time audio data according to the time stamp (However, Hutcheson (U.S. 6,947,761) discloses synchronizing the second real-time video and audio data according to the time stamp (Column 9, Lines 59-63). This is done so that the second Internet game client's information is synchronized with the first Internet game client's information to play the game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to synchronize the second Internet game client's video and audio data with the first Internet game client's information to play the game.

14. With regards to Claim 18, Application 10/793,034 in view of Hutcheson discloses a method, wherein the establishment of the Internet transmission channel further comprises the steps of: designating an Internet address of a third external Internet game client by the Internet game client or the external Internet game client; transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to the Internet address; and establishing the Internet transmission channel between the Internet game client and the third Internet game client (Application 10/793,034 Claim 16, "a method, wherein the establishment of the Internet transmission channel further comprises the steps of: designating an Internet address of a third external Internet game client by the Internet game client or the external Internet game client; transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to

the Internet address; and establishing the Internet transmission channel between the Internet game client and the third Internet game client”).

15. With regards to Claim 19, Application 10/793,034 in view of Hutcheson discloses a method, wherein if the bandwidth of the internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data. (Application 10/793,034 Claim 17, “wherein if the bandwidth of the internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data a higher transmission takes priority over first real-time video data” Where “takes a higher transmission priority” includes taking a priority).

16. With regards to Claim 20, Application 10/793,034 in view of Hutcheson disclose a method, wherein in the establishing step, the Internet transmission channel is established according to a directory, having an Internet address of the third external Internet game client. (Application 10/793,034 Claim 18, “wherein in the searching step, the Internet transmission channel is established according to a directory having an Internet address of the third external Internet game client”). Where to establish an Internet Address you first must search for the Internet Address.

17. With regards to Claim 23, Application 10/793,034 in view of Hutcheson discloses a method, wherein playback of the second video data is accomplished by integrating the second real-time video data into the game environment as texture mapping (Application 10/793,034 Claim 19, “a method, wherein playback of the second video data is

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accomplished by integrating the second real-time video data into the game environment as texture mapping”).

18.

19. Claims 8-10, 12, 15, 16, 24-26 are provisionally rejected on the ground of nonstatutory double patenting over claims 7-9, 11-14, 22, 23, 27, 28, and 31 of copending Application No. 10/793,034. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

20. With regards to Claim 8, Application 10/793,034 discloses a system implementing real-time video-audio interaction by data synchronization in an Internet game (“Application 10/793,034 Claim 7, a system of real-time video-audio interaction by data synchronization in an Internet game”), comprising: an Internet game server, executing an Internet game; and a plurality of Internet game clients, comprising a first Internet game client, a second Internet game client, and an internet transmission channel, the first and the second Internet game clients connecting to the Internet game server (Application 10/793,034 Claim 7 “comprising: an Internet game server, executing an Internet game; and a plurality of Internet game clients, comprising a first Internet game client, a second Internet game client, and an internet transmission channel, the first and the second Internet game clients connecting to the Internet game server”), the

internet transmission channel coupled to the first Internet game client and the second Internet game client (Application 10/973,034 Claim 7, "the internet transmission channel being coupled to the first Internet game client and the second Internet game client").

21. However Application 10/793,034 does not disclose a system implementing real-time video-audio interaction. For the system to have real-time video-audio interaction by data synchronization in an Internet game, the system must first implement real-time video-audio interaction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement a system of real-time video-audio data interaction by data synchronization in an Internet game, so that the game could be played.

22. With regards to Claim 9, Application 10/793,034 does disclose the first internet game client further comprises: a real-time data retriever, retrieving first real-time video data and first real-time audio data from the first Internet game client; (Application 10/793,034 Claim 8, "the first internet game client further comprises: a real-time data retriever, retrieving first real-time video data and first real-time audio data from the first Internet game client") a data encoder, coupled to the real-time data retriever, compressing/encoding the first real-time video data into a plurality of first video data frames, and compressing/encoding the first audio data into a plurality of first audio data packets (Application 10/793,034 Claim 8, "a data encoder, coupled to the real-time data retriever, compressing/encoding the first real-time video data into a plurality of first video data frames, and compressing/encoding the first audio data into a plurality of first audio data packets"); a transmission packager, coupled to the data encoder, packaging the

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first video data frames and the first audio data packets into a transmission package (Application 10/973,034 Claim 8, “a transmission packager, coupled to the data encoder, packaging the first video data frames and the first audio data packets into a transmission package”) and attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship between the first real-time video data and the first real-time audio data (Application 10/973,034 Claim 10, “and attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship between the first real-time video data and the first real-time audio data”); and an Internet sender, coupled to the transmission packager, transmitting the transmission package to the second Internet game client through the Internet transmission channel (Application 10/793,034 Claim 8, “and an Internet sender, coupled to the transmission packager, transmitting the transmission package to the second Internet game client through the Internet transmission channel”).

23. With regards to Claim 10, Application 10/793,034 discloses a system, wherein if the bandwidth of the Internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data (Application 10/793,034 Claim 9, “wherein if the bandwidth of the Internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes a higher transmission priority over first real-time video data” Where “takes a higher transmission priority” includes taking a priority).

24. With regards to Claim 12, Application 10/793,034 disclose system, wherein the second Internet game client further comprises: a data decoder, coupled to the Internet transmission channel, decoding the transmission package into second video data and second audio data; a video-audio playback system, coupled to the data decoder, synchronizing the second real-time video and the second real-time audio data according to the time stamp and outputting the second video data and the second audio data (Application 10/793,034 Claim 11, “wherein the second Internet game client further comprises: a data decoder, coupled to the Internet transmission channel, decoding the transmission package into second video data and second audio data; a video-audio playback system, coupled to the data decoder, synchronizing the second real-time video and the second real-time audio data according to the time stamp and outputting the second video data and the second audio data”).

25. With regards to Claim 12, Application 10/793,034 does disclose a system, synchronizing the second real-time video and the second real-time audio data according to the time stamp, (Application 10/793,034 Claim 13, “wherein the video-audio playback system synchronizes the second real-time audio data and the second real-time video data according to the time stamp”).

26. With regards to Claim 15, Application 10/793,034 discloses a system, wherein the video-audio playback system integrates the second real-time video data into the game environments of the Internet game as texture mapping (Application 10/793,034 Claim 12, “system, wherein the video-audio playback system integrates the second real-time video data into the game environments of the Internet game as texture mapping”).

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27. With regards to Claim 16, Application 10/793,034 discloses a system, wherein the internet transmission channel is established by assigning an Internet address to the second Internet game client directly or according to a directory by the first Internet game client, transmitting a connecting request from the first Internet game client to the second Internet game client, and the second Internet game client establishing the Internet transmission channel according to the connecting request, wherein the directory includes the Internet address of the second Internet game client (Application 10/793,034 Claim 14, a system, wherein the internet transmission channel is established by designating an Internet address to the second Internet game client directly or according to a directory by the first Internet game client, transmitting a connection request from the first Internet game client to the second Internet game client, and the second Internet game client establishing the Internet transmission channel according to the connection request, wherein the directory includes the Internet address of the second Internet game client”).

28. With regards to Claim 24, Application 10/793,034, discloses a storage medium for storing a computer program providing a method of implementing real-time video-audio interaction by data synchronization between Internet game clients, wherein the Internet game client connects to an Internet game server, and executes an Internet game, the computer program comprising using a computer to perform the steps of: establishing an Internet transmission channel to an external Internet game client, wherein the Internet transmission channel is not connected to the Internet game server (Application 10/793,034 Claim 22, “a storage medium for storing a computer program,



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wherein the computer program, applied in a computer system, executes the method of real-time video-audio interaction in an Internet game for application to an Internet game client, the Internet game client connecting to an Internet game server, executing an Internet game, and outputting a game environment, the method comprising the steps of: locating established an Internet transmission channel to an external Internet game client, wherein the Internet transmission channel is not connected to the Internet game server"); a real-time data retriever retrieving first real-time video data and first real-time audio data (Application 10/973,034 Claim 22, "a real-time data retriever retrieving first real-time video data and first real-time audio data"); compressing/decoding the first real-time video data and the first real-time audio data into a first transmission package (Application 10/793,034 Claim 22, "compressing/decoding the first real-time video data and the first real-time audio data into a first transmission package"), and attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship between the video and audio data (Application 10/793,034 Claim 27, "wherein the first transmission package further comprises a time stamp, defining the synchronized relationship between the first real-time audio data and the first real-time video data"); transmitting the first transmission package through the Internet transmission channel (Application 10/793,034 Claim 22, "transmitting the first transmission package to the external Internet game client through the Internet transmission channel"); receiving a second transmission package from the external Internet game client through the Internet transmission channel (Application 10/793,034 Claim 22, "receiving a second transmission package through the Internet transmission

channel”); decompressing/decoding the second transmission package into second real-time video data and second real-time audio data (Application 10/793,034 Claim 22, “decompressing/decoding the second transmission package into second real-time video data and second real-time audio data”); and synchronizing the second real-time video and the second real-time audio data according to the time stamp (Application 10/793,034 Claim 28, “wherein the second transmission package further comprises a time stamp, defining the synchronized relationship between the second real-time audio data and the second real-time video data”), and outputting the second real-time audio data and video data in the game environment (Application 10/793,034 Claim 22, “and outputting the second real-time audio data and video data in the game environment”).

29. Application #10/793,034 claim 22 reads like claim 24 above except for “wherein the computer program, applied in a computer system, executes the method of real-time video-audio interaction in an internet game for application”.

30. A computer program that is applied in a computer system which executes a method of real-time video-audio interaction in an internet game is the same as a method implementing a real-time video-audio interaction by data synchronization between Internet game clients, because a computer system is executing the data synchronization with a computer program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, because if you are going to execute a method on a computer system you must first implement it onto the computer, and if you implement a method onto a computer system, it is for the propose to execute the method.

31. With regards to Claim 25, Application 10/793,034 discloses a method, wherein establishment of the Internet transmission channel further comprises the steps of: designating an Internet address of a third external Internet game client by the Internet game client or the external Internet game client; transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to the Internet address; and establishing the Internet transmission channel between the Internet game client and the third Internet game client. (Application 10/793,034 Claim 23 discloses “a storage medium..., wherein in the searching step, further comprises the steps of: designating an Internet address of a third external Internet game client by the Internet game client or the external Internet game client; transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to the Internet address; and establishing the Internet transmission channel between the Internet game client and the third Internet game client. ”, The method of Claim 25 would be stored as program on a storage medium and the Storage Medium would store a program with a method for the searching steps of Claim 23, and also to establish an Internet Address you first must search for the Internet Address.)

32. With regards to Claim 26, Application 10/793,034 discloses a method, wherein if the bandwidth of the internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data (Application 10/793,034 Claim 31, “a method, wherein if the bandwidth of the internet transmission channel cannot transmit

the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data”).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. 5,899,810) in view of Hutcheson et. Al. (U.S. 6,947,761).

1. With regards to Claim 1, Smith teaches a method of implementing real-time video-audio interaction (SIMNET; Col 1, Lines 10-25; SIMNET is real-time distributed simulator for combat simulation) by data synchronization in an Internet game (Column 1, Lines 11-17), comprising the steps of: establishing an Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) between a first internet game client and a second internet game client (Column 3, Lines 16-18), wherein the Internet transmission channel is not connected to an Internet game server (Column 3, Lines 13-

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16); executing an internet game in the first Internet game client and the second internet game client and connecting the first and second Internet game clients to the internet game server (Column 3, Lines 25-28) ; retrieving first real-time video data and first real-time audio data in the first internet game client in the Internet game (Column 3, Lines 1-5).

2. However, Smith fails to disclose packaging the first video data frames and the first audio data packets into a transmission package in the first Internet game client and attaching a time stamp to transmission package, wherein the time stamp expresses the synchronous relationship between the first real-time video and audio data transmitting the transmission package to the second Internet game client through the Internet transmission channel.

3. However, Hutcheson et al. does teach the client synchronization means is preferably a client system clock adapted to time stamp the game information that is communicated (Column 9, Lines 44-63).

4. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, because Smith synchronization movement by the adjusting time with a local clock and computing a new location (Column 4, Lines 45-50). The adjustment of time would be the use of a time stamp.

5. However, Smith fails to disclose the synchronizing of the second real-time video and audio data according to the time stamp, and outputting the second real-time audio and video data in the second Internet game client in the Internet game

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6. However, Hutcheson et al. does teach the synchronization of the second real-time video and audio data according to the time stamp, and outputting the second real-time audio and video data in the second internet game client in the internet game. (Column 9, Lines 59-63).

7. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, because the SIMNET/DIS architecture (In Smith's Invention) had the effect of an action by one player on another player was typically modeled by the player towards which the action was directed (Column 1, Lines 18-21).

8. However, Smith fails to disclose compressing/encoding (Compressing is the Reduction in Size of Data in Order to Save Space or Transmission Time)(Encoding is the process of transforming information from one format into another) the first real-time video data into a plurality of first video data frames, and compressing/encoding the first real-time audio data into a plurality of first audio data packets in the first Internet game client; decoding (Decoding is the reverse of encoding) the transmission package into second real-time video data and second real-time audio data in the second Internet game client.

9. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

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10. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

11. With regards to Claim 2, Smith teaches a method, wherein the establishment of the Internet transmission channel (Channel Between Computers in a Data Communication Network) further comprises the steps of: designating an Internet address of the second Internet game client directly or according a directory by the first Internet game client (Track and Coordinate the Definitive State of the Game: Column 4, Lines 3-4), wherein the directory includes the Internet address of the second Internet game client; transmitting a connection (Operator of the Particular Game will Distribute Program Components to the Client Users; Column 3, Lines 28-29) request from the first Internet game client to the second Internet game client; and establishing the Internet transmission channel by the second Internet game client in response to the connection request (Column 3, Lines 48-52).

12. With regards to Claim 3, Smith teaches a method, wherein if the bandwidth (Data Rate) of the Internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data (Column 6, Lines 1-11).

13. With regards to Claim 4, Smith in view of Hutcheson teaches a method, wherein the time stamp provides is time information required to produce the first real-time video data and the real-time audio data (Hutcheson: Column 9, Lines 44-63)

14. With regards to Claim 5, Smith in view of Hutcheson et al. teaches a method, wherein the synchronization (Hutcheson: Column 9, Line 45) is achieved by adding the system time (Time Stamp: Hutcheson; Column 9, Line 48) of the second internet game client to the time stamp to generate the display time of the second real-time video and audio data (Hutcheson: Column 9, Lines 44-63).

15. With regards to Claim 6, Smith in view of Hutcheson teaches a method, wherein synchronization is achieved by comparing the time stamp the amount of the frames dropped (Degrees of Freedom: Hutcheson; Column 5, Line 31-34) by the second real-time video data (Hutcheson: Column 9, Lines 44-50).

16. With regards to Claim 7, Smith in view of Hutcheson teaches a method, wherein playback of the second real-time video data is accomplished by integrating the second real-time video data into the game environments of the Internet game as texture mapping (Degree of Freedom: Hutcheson; Column 12, Lines 1-23).

17. With regards to Claim 8, Smith teaches a system of implementing real-time video-audio interaction by data synchronization in an Internet game (SIMMET/DIS; Column 1, Lines 11-17), comprising: an Internet game server (Column 3, Lines 13-16), executing an Internet game; and a plurality of Internet game clients, comprising a first Internet game client, a second Internet game client, and an internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14), the first and the second Internet game clients connecting to the Internet game server, the internet transmission channel coupled to the first Internet game client and the second Internet game client (Column 3, Lines 1-16).



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18. With regards to Claim 9, Smith teaches a system wherein the first internet game client further comprises: a real-time data retriever (SIMNET/DIS; Column 1, Line 15), retrieving first real-time video data and first real-time audio data (Column 3, Line 5) from the first Internet game client (Column 1, Lines 33-36); a data encoder (Device to Change a Signal), coupled to the real-time data retriever (Simulation), retrieving first real-time video data and first real-time audio data from the first Internet game client (Column 4, Lines 31-34)

19. However, Smith fails to disclose a transmission packager (Permits Non-Computer Literate Person to Accomplish Data Communication), coupled to the data encoder, packaging the first video data frames (Goal Input; Column 4, Line 7) and the first audio data packets (Goal Input; Column 4, Line 7) into a transmission package and attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship (Updating; Column 4, Line 44) between the first real-time video data and the first real-time audio data; and an Internet sender (Initiating Client; Column 4, Line 44), coupled to the transmission packager, transmitting the transmission package to the second Internet game client (Other Game Client; Column 4, Line 45) through the Internet transmission channel (Column 4, Lines 3-19).

20. However, Hutcheson does teach to time stamp data to synchronize relationships (Column 12, Line 66- Column 13, Line 6).

21. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention,

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Smith discusses Updating Data (Column 4, Line 44) and the reason to time stamp data and synchronize data is to update the data.

22. However, Smith fails to disclose compressing/encoding the first real-time video data into a plurality of first video data frames, and compressing/encoding the first audio data into a plurality of first audio data packets.

23. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

24. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

25. With regards to Claim 10, Smith teaches a system, wherein if the bandwidth (Data Rate) of the Internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data (Column 6, Lines 1-11).

26. With regards to Claim 11, Smith in view of Hutcheson teaches a system, wherein the time stamp provides the time information required to produce the first real-time video data and the first real-time audio data (Hutcheson: Column 9, Lines 44-63).

27. With regards to Claim 12, Smith teaches a system, wherein the second Internet game client further comprises: a data decoder (Decoder is the Reverse of an Encoder), coupled to the Internet transmission channel, decoding the transmission package into second video data (Multiple Users; Abstract) and second audio data; a video-audio

playback system (Changes Its Display; Column 6, Lines 5-6), coupled to the data decoder, synchronizing the second real-time video and the second real-time audio data according to the time stamp and outputting the second video data and the second audio data (Column 6, Lines 1-11).

28. With regards to Claim 13, Smith in view of Hutcheson et al. teaches a system, wherein synchronization (Hutcheson: Column 9, Line 45) is achieved by adding the system time (Time Stamp: Hutcheson; Column 9, Line 48) of the second internet game client to the time stamp to generate the display time of the second real-time video and audio data (Hutcheson: Column 9, Lines 59-63).

29. With regards to Claim 14, Smith in view of Hutcheson teaches a system; wherein synchronization (Hutcheson: Column 9, Line 45) is achieved by comparing the time stamp (Hutcheson: Column 9, Line 48) the amount of the frames (Degrees of Freedom: Hutcheson; Column 5, Lines 31-34) dropped by the second real-time video data (Hutcheson: Column 9, Line 64-Column 10, Line 9).

30. With regards to Claim 15, Smith teaches a system, wherein the video-audio playback system integrates the second real-time video data into the game environments of the Internet game as texture mapping (Degree of Freedom; Column 12, Lines 1-23).

31. With regards to Claim 16, Smith teaches a system, wherein the internet transmission channel is established by assigning an Internet address to the second Internet game client directly or according to a directory by the first Internet game client, transmitting a connecting request from the first Internet game client to the second Internet game client, and the second Internet game client establishing the Internet

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transmission channel according to the connecting request, wherein the directory (Address List of a Data Communication Network) includes the Internet address of the second Internet game client (Column 1, Lines 37-43). Internet addresses are how the different nodes on the internet communicate with each other.

32. With regards to Claim 17, Smith teaches a method of implementing real-time interaction by video-audio synchronization (Track and Coordinate the Definitive State of the Game; Column 4, Lines 3-4) between; Internet game clients (Users; Column 4, Line 4), wherein the Internet game client connects to an Internet game server(Host Computer; Column 4, Line 3), and executes an Internet game (Virtual World; Column 4, Line 6), comprising the steps of: establishing an internet transmission channel to an external Internet game client (Fig#1), wherein the Internet transmission channel is not connected to the Internet game server (Column 3, Lines 6-12); a real-time data retriever retrieving first real-time video data and first real-time audio data (SIMNET/DIS; Column 1, Line 13); compressing/decoding (Compressing is the Reduction in Size of Data in Order to Save Space or Transmission Time) the first real-time video data and the first real-time audio data into a first transmission package and attaching a time stamp to the transmission package (Track and Coordinate the Definitive State of the Game; Column 4, Line 3).

33. However, Smith fails to disclose wherein the time stamp expresses the synchronous relationship between the video and audio data; transmitting the first transmission package through the Internet transmission channel; receiving a second transmission package through the Internet transmission channel.

34. However, Hutcheson disclose the time stamp synchronous relationship between data (Column 19, Lines 47-58).

35. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, Smith discusses Track and Coordinate the Definitive State of the Game (Column 4, Line 3) which is the time stamp synchronous relationship.

36. Smith fails to disclose decompressing/decoding the second transmission package into second real-time video data and second real-time audio data; and synchronizing the second real-time video and the second real-time audio data according to the time stamp, and outputting the second real-time audio data and video data in the game environment.

37. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

38. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

39. With regards to Claim 18, Smith teaches a method, wherein the establishment of the Internet transmission channel (Channel Between Computers in a Data Communication Network) further comprises the steps of: designating an Internet address of a third external Internet game client by the Internet game client (Internet Service Providers Through the Telephone Network; Column 2, Lines 63-64) or the

external Internet game client; transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to the Internet address; and establishing the Internet transmission channel between the Internet game client and the third Internet game client (Column 2, Lines 50-67).

40. With regards to Claim 19, Smith teaches a method, wherein if the bandwidth (Data Rate) of the internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data (Column 6, Lines 1-11).

41. With regards to Claim 20, Smith teaches a method, wherein in the establishing step, the Internet transmission channel (Channel Between Computers in a Data Communication Network) is established according to a directory (Address List of a Data Communication Network), having an Internet address of the third external Internet game client (Column 2, Lines 50-67).

42. With regards to Claim 21, Smith in view of Hutcheson teaches a method, wherein synchronization (Hutcheson: Column 9, Lines 45) is achieved by adding the system time of the second internet game client (All Mobile Game Clients: Hutcheson; Column 9, Lines 60-61) to the time stamp (Hutcheson: Column 9, Line 48) to generate the display time (Client System Clock: Hutcheson; Column 9, Line 47) of the second real-time video and audio data (Hutcheson: Column 9, Lines 56-63).

43. With regards to Claim 22, Smith in view of Hutcheson teaches a method, wherein synchronization is achieved by comparing the time stamp the amount of the frames

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dropped (Degrees of Freedom: Hutcheson; Column 5, Line 31-34) by the second real-time video data (Hutcheson: Column 9, Lines 46-50).

44. With regards to Claim 23, Smith in view of Hutcheson teaches a method, wherein playback of the second video data is accomplished by integrating the second real-time video data into the game environment as texture mapping (Degree of Freedom: Hutcheson; Column 12, Lines 1-23).

45. With regards to Claim 24, Smith teaches a storage medium (Preferably stored on Multiple Database Servers; Column 3, Lines 6-7) for storing a computer program (Overall and Historical Data; Column 3, Line 6) providing a method of implementing real-time video-audio interaction by data synchronization between Internet game clients (Which are Commonly Accessible by the Game Servers; Column 3, Line 8), wherein the Internet game client connects to an Internet game server, and executes an Internet game (Local Game Interaction; Column 3, Line 5), the computer program comprising using a computer to perform the steps of: establishing an Internet transmission channel (Which are Commonly Accessible by the Game Servers; Column 3, Line 8) to an external Internet game client, wherein the Internet transmission channel is not connected to the Internet game server (Actual Access to the Internet; Column 3, Lines 10-11); a real-time data retriever retrieving first real-time video data and first real-time audio data (SIMNET/DIS; Column 1, Line 13).

46. However, Smith fails to teach compressing/decoding the first real-time video data and the first real-time audio data into a first transmission package

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47. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

48. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

49. However, Smith fail to teach attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship between the video and audio data; transmitting the first transmission package through the Internet transmission channel; receiving a second transmission package through the Internet transmission channel; and synchronizing the second real-time video and the second real-time audio data according to the time stamp, and outputting the second real-time audio data and video data in the game environment.

50. However, Hutcheson does teach to time stamp data to synchronize relationships (Column 12, Line 66- Column 13, Line 6).

51. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, Smith discusses Updating Data (Column 4, Line 44) and the reason to time stamp data and synchronize data is to update the data.

52. However Smith fail to disclose decompressing/decoding (Compressing is the Reduction in Size of Data in Order to Save Space or Transmission Time)(Decoding is



the reverse of encoding) the second transmission package into second real-time video data and second real-time audio data.

53. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

54. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

55. With regards to Claim 25, Smith teaches method, wherein establishment of the Internet transmission channel (Channel Between Computers in a Data Communication Network) further comprises the steps of: designating an Internet address of a third external Internet game client by the Internet game client or the external Internet game client (Internet Service Providers Through the Telephone Network; Column 2, Lines 63-64); transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to the Internet address; and establishing the Internet transmission channel between the Internet game client and the third Internet game client (Column 2, Lines 50-67).

56. With regards to Claim 26, Smith teaches a method, wherein if the bandwidth (Data Rate) of the internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) cannot transmit the first real-time audio data and the first real-time video data simultaneously, the first real-time audio data takes priority over first real-time video data (Column 6, Lines 1-11).

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57. With regards to Claim 27, Smith teaches a method, wherein in the establishing step, the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) is established according to a directory (Address List of a Data Communication Network), having an Internet address of the third external Internet game client (Column 1, Lines 6-10).

58. With regards to Claim 28, Smith in view of Hutcheson teaches a method, wherein synchronization is achieved by adding the system time of the second internet game client (All Mobile Game Clients: Hutcheson; Column 9, Lines 60-61) to the time stamp to generate the display time (Hutcheson: Column 9, Lines 48) of the second real-time video and audio data (Hutcheson: Column 9, Lines 44-63).

59. With regards to Claim 29, Smith in view of Hutcheson teaches a method, wherein synchronization is achieved by comparing the time stamp the amount of the frames dropped (Degrees of Freedom: Hutcheson; Column 5, Lines 31-34) by the second real-time video data (Hutcheson: Column 9, Lines 46-50).

60. With regards to Claim 30, Smith in view of Hutcheson teaches a method, wherein playback of the second video data is accomplished by integrating the second real-time video data into the game environment as texture mapping (Degree of Freedom: Hutcheson; Column 12, Lines 1-23)

61. With regards to Claim 31, Smith teaches a computer system (Distributed Game System; Abstract, Line 1) of an Internet game, executing an Internet game (Interacting Play between Multiple Users; Abstract, Line 2) and having a storage medium for storing a computer program (Host Computer Supports a Program; Abstract, Line 5), wherein

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the computer program is applied to a computer system and executes the method of real-time video-audio interaction (Interactive Gaming; Column 1, Lines 11-12) between Internet game clients (Multi-user; Column 1, Line 6), the Internet game client connecting to an Internet game server (Host Computer and plurality of client computers interconnected by a data communication network; (Column 1, Line 48-50), executing an Internet game, and outputting a game environment (Displaying a Virtual World; Column 1, Line 56), the method comprising the steps of: establishing an Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) to an external Internet game client (Multi-user; Column 1, Line 6), wherein the Internet transmission channel is not connected to the Internet game server (Column 3, Lines 9-16); a real-time data retriever (Interpretation; Column 4, Lines 6-7) retrieving first real-time video data and first real-time audio data (Column 4, Line 7-17); transmitting the first transmission package through the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14); receiving a second transmission package through the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14).

62. However, Smith fail to disclose the compressing/decoding the first real-time video data and the first real-time audio data into a first transmission package, and attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship between the video and audio data.

63. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

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64. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

65. However, Smith fails to disclose the decompressing/decoding the second transmission package into second real-time video data and second real-time audio data.

66. However, Hutcheson et al. does teach compression of data for transfer (Column 21, Lines 34-40) , encoding, and decoding (Column 11, Lines 5-15) of Audio and Video data packets for changing the game state.

67. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention to more efficiently utilize the limited bandwidth.

68. However, Smith fails to disclose synchronizing the second real-time video and the second real-time audio data according to the time stamp, and outputting the second real-time audio data and video data in the game environment.

69. However, Hutcheson does teach to time stamp data to synchronize relationships (Column 12, Line 66- Column 13, Line 6).

70. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, Smith discusses Updating Data (Column 4, Line 44) and the reason to time stamp data and synchronize data is to update the data.

71. With regards to Claim 32, Smith teaches a method, wherein the establishment of the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14)

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further comprises the steps of: designating an Internet address (Internet; Column 1, Line 10) of a third external Internet game client (Multi-User; Column 1, Line 6) by the Internet game client or the external Internet game client; transmitting a connecting request to the third Internet game client by the Internet game client or the external Internet game client according to the Internet address (User Input which is Intended to Control Movement of the User's Proxy within the Virtual World is Relayed to the Host Computer for Interpretation; Column 4, Lines 4-7); and establishing the Internet transmission channel between the Internet game client and the third Internet game client (Column 4, Lines 3-18).

72. With regards to Claim 33, Smith teaches a bandwidth (Data Rate) of the internet transmission channel cannot transmit the first real-time audio data and the first real-time video data simultaneously (Some Extent Mask any Lack of Synchronization; Column 6, Line 4), the first real-time audio data takes priority over first real-time video data.

(Column 6, Lines 1-11)

73. With regards to Claim 34, Smith teaches a method, wherein in the establishing step, the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) is established according to a directory (Address List of a Data Communication Network), having an Internet address of the third external Internet game client (Multiple Users Abstract, Line 1).

74. With regards to Claim 35, Smith in view of Hutcheson teaches a method, wherein synchronization (Column 9, Line 45) is achieved by adding the system time (Time Stamp; Column 9, Line 48) of the second internet game client to the time stamp to

generate the display time of the second real-time video and audio data (Column 9, Lines 44-63).

75. With regards to Claim 36, Smith in view of Hutcheson teaches a method, wherein synchronization is achieved by comparing the time stamp the amount of the frames dropped (Degrees of Freedom: Hutcheson; Column 5, Lines 31-34) by the second real-time video data (Hutcheson: Column 9, Lines 46-50).

76. With regards to Claim 37, Smith in view of Hutcheson teaches a method, wherein playback of the second video data is accomplished by integrating the second real-time video data into the game environment as texture mapping (Degree of Freedom: Hutcheson; Column 12, Line 1-23).

77. With regards to Claim 38, Smith teaches a method of implementing real-time video-audio interaction by data synchronization in an internet game (Column 4, Lines 3-7) for applying in a first Internet game client and a second Internet game client (Multiple Users; Abstract, Line 2), wherein the first and second Internet game client execute an Internet game and connect to an Internet game server (a Game which may be Played between Distributed Users Interconnected with a Host Computer through a Data Communication Network having Appreciable Latency, such as the Internet; Column 1, Lines 7-10), comprising the steps of: establishing an Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) between the first Internet game client and the second Internet game client (Distributed Users; Column 1, Line 8), wherein the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) is not connected to the Internet game server (Column 3, Lines 8-16); retrieving

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first real-time video data and first real-time audio data in the first Internet game client Column 4, Lines 3-7); producing a plurality of first video data frames and a plurality of first audio data packets (Column 4, Lines 8-10); transmitting the transmission package to the second Internet game client (Other Game Clients; Column 4, Line 3-7), and outputting the second real-time audio data and video data in the Internet game in the second Internet game client (Compute a New Location for the Initiating Entity; Column 4, Line 49).

78. However, Smith fails to disclose the packaging the first video data frames and the first audio data packets into a transmission package and attaching a time stamp into the transmission package, wherein the time stamp expresses the synchronous relationship between the first real-time video and audio data.

79. However, Hutcheson does teach to time stamp data to synchronize relationships (Column 12, Line 66- Column 13, Line 6).

80. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, Smith discusses Updating Data (Column 4, Line 44) and the reason to time stamp data and synchronize data is to update the data.

81. However, Smith fails to disclose decoding the transmission package into second real-time video data and second real-time audio data (Receive the Same Plan from the Host; Column 4, Line 45); and synchronizing the second real-time audio and video data according to the time stamp (Other Game Clients likewise adjust to their Local Clock; Column 4, Lines 46-47).

82. However, Hutcheson does teach to time stamp data to synchronize relationships (Column 12, Line 66- Column 13, Line 6).

83. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Smith's invention with Hutcheson's invention, Smith discusses Updating Data (Column 4, Line 44) and the reason to time stamp data and synchronize data is to update the data.

39. With regards to Claim 39, Smith teaches a method, wherein the establishing step further comprises the steps of: designating an Internet address of the second Internet game client directly or according to a directory (Address List of a Data Communication Network) by the first Internet game client, wherein the directory includes the Internet address of the second Internet game client; transmitting a connection request from the first Internet game client to the second Internet game client; and establishing the Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) by the second Internet game client in response to the connection request (Column 4, Lines 14-16).

40. With regards to Claim 40, Smith teaches a method, wherein the first real-time audio data is primarily packaged in the first transmission package, and the remaining bandwidth (Data Rate) is used for packaging the first real-time video data (Column 3, Lines 2-5) .

41. With regards to Claim 41, Smith in view of Hutcheson teaches a method, wherein the first video data frames and the first audio data frames are produced by compressing/encoding (Column 11, Lines 3-15).

42. With regards to Claim 42, Smith teaches a method, wherein the transmission package is transmitted to the second Internet game client through the Internet transmission channel (Column 4, Lines 20-26).



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43. With regards to Claim 43, Smith in view of Hutcheson teaches a method, wherein the

synchronization (Hutcheson: Column 9, Line 45) is based on system time (Hutcheson: Column 9, Line 48) of the second Internet game client adding the time stamp as display time of the second real-time video and audio data. (Hutcheson: Column 9, Lines 44-63)

44. With regards to Claim 44, Smith in view of Hutcheson teaches a method, wherein synchronization is achieved by comparing the time stamp the amount of the frames dropped (Degrees of Freedom: Hutcheson; Column 5, Lines 31-34) by the second real-time video data (Hutcheson: Column 9, Lines 46-50).

45. With regards to Claim 45, Smith teaches a system of implementing real-time video-audio interaction by data synchronization (Column 4, Lines 3-18) in an Internet game for application to a first Internet game client, a second Internet game client (Column 4 Lines 20-43), and an internet game server (Column 3, Lines 2-12), wherein the Internet game server executes an Internet game, the system comprising: an Internet transmission channel (Queue Server; Fig 2, 41 and 43; Column 3, Line 14) , the first Internet game client and the second Internet game client connecting to the Internet game server to execute the Internet game (Column 3, Lines 3-12), the Internet transmission channel coupled to the first and second Internet game clients to execute real-time video-audio interaction (Column 3, Lines 3-5).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS E. SATKIEWICZ whose telephone number is (571)270-1948. The examiner can normally be reached on Monday to Thursday 6:30AM to 3:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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